



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET #SC2003-0022**

December 10, 2003

Colleen & John Hebert
PO Box 95
Portsmouth, New Hampshire 03801

RE: Wetlands Bureau Complaint File #2003-2558, Hebert, 54 Pioneer Road, Rye Tax Map 101 / Lot 24.

Dear Mr. & Ms. Hebert:

On December 5, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Rye Tax Map 101 as Lot 24 (the "Property"). The purpose of the inspection was to respond to a complaint of alleged filling of freshwater wetlands and determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

DES personnel determined that filling of approximately 1,050 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau.

DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than February 10, 2004 for review and approval including:
 - a. A plan with dimensions for the removal of a total of approximately 1,050 sq. ft. of unpermitted fill in freshwater wetlands.
 - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal areas;
 - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
 - d. Construction sequence and timetable for accomplishing remediation no later than May 1, 2003.
3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

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RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

 **COPY**

Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2432

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Susan Zarlengo, Rye Building Inspector
Jim Raynes, Rye Conservation Commission
Jeff White, Contractor